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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,953	02/07/2001	David L. Buchanan	740270-2662	5812

22204 7590 10/15/2004

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EXAMINER

KIM, CHRISTOPHER S

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/777,953	BUCHANAN ET AL.	
	Examiner	Art Unit	
	Christopher S. Kim	3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 and 21-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-19, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 30, 2004 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "combustion chamber," "internal combustion engine," "injector bore," and "cylinder head" recited in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. Claims 12-19, 34 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 appears to be claiming a "closed nozzle fuel injector" (see preamble). The preamble further recites that the fuel injector is "adapted" to be received in an injector bore of a cylinder head. The body of the claim positively recites a space relationship of the nozzle support port to the combustion chamber and cylinder head. It is uncertain whether applicant is claiming a subcombination (fuel injector) or a combination (fuel injector, combustion chamber and cylinder head).

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Claims 34 and 35 and recite "fuel injector components" which appears to be a double inclusion of the elements recited as parts of the fuel injector.

Claim Rejections - 35 USC § 102

5. Claims 12, 19, 34 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Stevens (6,053,432).

Stevens discloses a fuel injector comprising: a substantially tubular retainer 18; a nozzle housing 10; an interference fit (column 2, lines 29-31); a coolant jacket sleeve 19 (claim 12); a barrel 19 (claim 35).

Claim Rejections - 35 USC § 103

6. Claims 13, 14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens (6,053,432).

With respect to claims 13, 14, 16 and 17, Stevens discloses the limitations of the claimed invention with the exception of the ranges of the interference fit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided an interference of 0.001 to 0.0006 inch for optimization dependent on application criteria, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

7. Claims 12, 15, 18 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (6,000,638) in view of Stevens (6,053,432).

Martin discloses a fuel injector comprising: a substantially tubular retainer 186; a nozzle housing 182; an interference fit (column 4, line 63). Martin discloses the limitations of the claimed invention with the exception of a plurality of injection holes. Stevens discloses one or more outlets 14 to spray fuel. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided a plurality of injection holes in the device of Martin as taught by Stevens to increase fuel dispersion.

Regarding claim 18, the recitation "the nozzle shank is press fitted into said engagement opening of said nozzle support portion" renders the claim a product by process claim that achieves the interference fit. The recitation "press fitted" has not been given patentable weight. MPEP 2113.

Response to Arguments

8. Applicant's arguments filed September 30, 2004 have been fully considered but they are not persuasive.

In response to applicant's arguments that Stevens discloses a gap between nozzle body 10 and cap nut 19, the rejection is premised in the interference fit between element 18 (retainer) and element 10 (nozzle housing). See Stevens, column 2, lines 29-31.

In response to applicant's argument that Martin does not disclose the outer peripheral surface of the nozzle support portion directly contacts the injector bore of the cylinder head and/or a coolant jacket sleeve, Martin discloses the fuel injector being a

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direct-injection injector (column 2, line 27). In direct injection application, the tip member 182 inherently contacts the injector bore of the cylinder head.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (703) 308-8336. The examiner can normally be reached on Monday - Thursday, 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Christopher S. Kim
Primary Examiner
Art Unit 3752

CK